

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	04-00156-01-CR-W-ODS
SHAWN MUNKIRS,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on October 7, 2005. Defendant Shawn Munkirs appeared pro se. Kurt Marquart was present as stand-by counsel. The United States of America appeared by Assistant United States Attorney Catherine Connelly appearing for Bruce Rhoades.

I. BACKGROUND

On May 12, 2004, an indictment was returned charging defendant with conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 846; possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A); and possessing a firearm in relation to a drug-trafficking offense, in violation of 18 U.S.C. § 924(c).

Co-defendant Nicholas Goergen entered a guilty plea on April 1, 2005. Co-Defendant Tracey Israel-Stroble entered a guilty plea on April 19, 2005.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Connelly announced that Bruce Rhoades will be the trial counsel for the government. The case agent to be seated at counsel table is Terry Edwards, Jackson County Drug Task Force.

Defendant Shawn Munkirs announced that he will try this case pro se. Mr. Marquart will be stand-by counsel.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Connelly announced that the government intends to call 17 witnesses without stipulations during the trial.

Defendant Shawn Munkirs announced that he intends to call 4 to 5 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Connelly announced that the government will offer approximately 52 exhibits in evidence during the trial.

Defendant Shawn Munkirs announced that he will offer approximately 25 exhibits in evidence during the trial.

VI. DEFENSES

Defendant Shawn Munkirs announced that he will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Defendant Shawn Munkirs stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are not appropriate in this case.

IX. TRIAL TIME

Counsel and Mr. Munkirs were in agreement that this case will take 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed August 4, 2004, counsel for the government and Mr. Munkirs file and serve a list of exhibits each intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by or before October 7, 2005;

That counsel for the government and Mr. Munkirs file and serve requested jury voir dire examination questions by or before October 14, 2005;

That counsel for the government and Mr. Munkirs file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before October 14, 2005. Counsel and Mr. Munkirs are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, 11.0, or 12.0.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine are anticipated by the defendant. Defendant may also file motions dealing with unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case is set for trial on the joint accelerated jury trial docket commencing October 24, 2005. Mr. Marquart may be in trial in another case (United States v. Cleon McKinney) during the same docket.

/s/ Robert E. Larsen

ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
October 7, 2005

cc: The Honorable Ortrie Smith
Mr. Bruce Rhoades
Ms. Catherine Connelly
Mr. Shawn Munkirs
Mr. Kurt Marquart
Mr. Jeff Burkholder